CF0000148781

S.B.

THIS AMENDED PETTION IS BEING FILED AS PER COURT ORDER DATED 29.04.2005.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 2555/2003

PETITIONERS. Ishwarlal Choudhari S/o Shri Than Singh Choudhari aged about 33 years, Peon Govt. Higher Secondary School Chhal, Dist. Raigarh, Resident of Village-Mudinar, Post-Jarekela, via-Tamnar, Tahsil& Dist.-Raigarh (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary Triable Welfare Department D.K.S.Bhawan Raipur {C.G.}
2. The Commissioner triable welfare department D.K.S. Bhawan Raipur (C.G.)
3. The additional commissioner traible welfare department Raigarh, Dist.-Raigarh (C.G.)
4. The principal Govt. Higher Secondary School Chhal, Dist. Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 2555 of 2003

Petitioner : Ishwarlal Choudhari

Versus

Respondent : State of Chhattisgarh & others

Shri R. S. Patel, Advocate for the petitioner.

Shri V. V. S. Moorthy, Deputy Advocate General with Shri Arun Sao, Govt. Advocate for the respondents.

O R D E R

(20th November, 2006)

1. The petitioner has filed this petition under Article 226/227 of the Constitution of India seeking a direction to the respondents to regularize the services of the petitioner on the post of Peon (Chowkidar).

2. The brief facts, in nutshell, are that the petitioner was appointed as daily wages employee on 29.1.1990 (Annex. P/12) for 89 days. Thereafter the petitioner was appointed on 20.11.1992 (Annexure P/1) against the vacant post of Peon (Chowkidar) in the regular pay scale of Rs. 750-945, in accordance with law on the basis of recommendation of the screening committee and he was posted at Adiwasi Ashram Pandripani Block Gorela (Pendra), Bilaspur. Vide order dated 5.7.1998 (Annexure P/3) the petitioner was transferred to Middle School Chhal, Block Dharmjaigarh, Raigarh. The services of the petitioner was confirmed on regular post which is evident from the order dated 31.7.1998 (Annexure P/4).

3. The order, regularizing services of the petitioner was cancelled vide order dated 20.8.1998(Annexure P/5) on the ground that only those daily wages employees were entitled for regularization who were appointed prior to 31.12.1988. Thereafter, vide order dated 31.5.2000 (Annexure P/6) the petitioner was terminated from service. Later on by order dated 6.9.2000 (Annexure P/7) the petitioner was intimated to join his duties on the place and post where he was working. Pursuant to the said order dated 6.9.2000 the petitioner is continuing in service as daily wages employee but no regular wages, as per the pay scale is being paid to the petitioner.

4. Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by a decision of a Division Bench of this Court passed in the case of **Bhagwat Prasad Yadav Vs. State of C.G. & others** { 2006 (1) C.G.L.J. 472} and he prays that the similar order may be passed in the present petition. Learned counsel appearing for the respondents/State does not dispute the submission made by learned counsel for the petitioner.

5. Accordingly, this petition is allowed with a direction to the respondents to regularize the services of the petitioner in accordance with the directions given by Division Bench of this Court in the case of **Bhagwat Prasad Yadav** (Supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur